

REMARKS

Claims 1-17 are pending in this application. Claims 1 and 2 are independent.

35 U.S.C. § 101

The examiner has rejected claims 1-17 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The applicants have amended independent claims 1 and 2 to more particularly recite that the invention is a new and useful process that promotes the technological arts. In particular, the method of claims 1 and 2 comprise: “generating, using a computer program,” a character matrix and “assigning, using a computer program,” a character profile score. The applicants believe that these amendments will overcome the examiner’s rejection and that the independent claims should now be patentable.

Furthermore, as the examiner cited, 35 U.S.C. 101 defines statutory subject matter as “any new and useful process, machine, manufacture or composition of matter, or any new and useful improvement thereof.” For a claim to be statutory under 35 U.S.C. 101, the process must produce a “useful, concrete, tangible” result (*see State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d1368, 1374-75, 47 USPQ 2d 1596, 1602 (Fed. Cir. 1998); *see also USPTO presentation titled U.S.C. 101 Training Materials slides 9-12*).

Claims 1-17 indeed produce a “useful, concrete, tangible” result and are therefore statutory under 35 U.S.C. 101. For example, claim 1 includes “providing at least one of a customized recommendation and a customized opinion to the user based on the character profile score.” Both the customized recommendation and the customized opinion are useful, concrete, and tangible results.

Applicant : Wei Chin Min et. al
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Dependent claims 3-17 should be patentable for at least the same reasons as the independent claims on which they depend. The applicants have further amended claim 1 to clarify that its method includes "receiving data associated with" a plurality of both character types and character attributes. The applicants have also amended claim 14 in order to correct for a syntactical error. With each of these amendments, no new matter has been added.

Please apply any charges or credits to deposit account 06-1050, reference 12587-065001.

Respectfully submitted,

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Frank R. Occhiuti
Reg. No. 35,306

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

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